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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,198	08/21/2006	Michiyo Hirayama	10873.1936USWO	1087
53148	7590	12/30/2008	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON P.C. P.O. BOX 2902-0902 MINNEAPOLIS, MN 55402			GUPTA, VANI	
		ART UNIT	PAPER NUMBER	
		3768		
		MAIL DATE	DELIVERY MODE	
		12/30/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/598,198	HIRAYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	VANI GUPTA	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/21/06</u> .  | 6) <input type="checkbox"/> Other: ____ .                         |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. *Claim 1 is rejected under 35 USC 103(a) as being obvious over Kunii et al. (US 4,181,120) in view of Drinkwater et al. (US 2004/0254470 A1).*

**Regarding Claim 1**, Kunii discloses an ultrasonic probe assembly comprising:

- a. Ultrasonic device that transmits and receives ultrasound (fig. 3a, 34);
- b. A frame that supports the ultrasonic device/transducer that supports, or holds the ultrasonic transducer (fig. 3a, 31);
- c. A window, or *acoustic lens*, that is coupled with the frame so as to surround the ultrasonic device (fig. 3a, 24); and

- d. an ultrasound propagation medium, or acoustical coupling medium, with which a space surrounded by the frame and the window is filled (33).
- e. Wherein the window comprises a metal portion, wherein a part of the metal portion being embedded in an inside of the resin portion and another part being exposed to an outside of the resin portion, and that the coupling of the window and the frame is implemented by coupling the part of the metal portion exposed to the outside of the resin portion with the frame (fig.2a; col. 3, lines 27 – 38).

Kunii differs from Claim 1 in that he does not specifically disclose that metal portions couples the frame to the window portion.

However, Drinkwater discloses (Figure 2) metal portion(s) **16** and **18** supports the frame **(12)**. In turn, resin portion 28 acts as a “window” and is coupled to the frame (**16** and **18**). Therefore, the frame is connected to the window.

Accordingly, Drinkwater complements the disclosing of Kunii by teaching an arrangement between the frame (12) and metal portions (16 and 18), to provide better support to the probe assembly.

Therefore, it would have been *prima facie* obvious to modify Kunii with the teachings of Drinkwater to include the ultrasonic probe-window arrangement to obtain the invention in the instant Claim 1.

**Regarding Claim 2**, as indicated by the specification of the present application, the resin portion (5b) is allowed to get into the apertures of the metal portion, which means that coupling force between the metal portion and the resin portion can be increased (paragraph [0034]). Drinkwater explains the coupling element together with the metal portion serve to define the

transducer cavity (paragraph [0037]). Furthermore, Drinkwater shows that within the contact footprint (**50**) of the resin portion (**28**), lays the “array aperture.” Here, the contact foot print is large enough to “wholly contain the [ultrasound transducer] array aperture” (*Drinkwater, paragraph [0042]*). Therefore, at the time of the invention, one of ordinary skill in the art could safely conclude that the in the case of Drinkwater's arrangement, the resin portion is an integral part of the metal portion.

**Regarding Claims 3 and 5,** Drinkwater teaches a convexo-concave structure provided at the metal portion at the part embedded in the inside of the resin portion (**Figure 3**).

**Regarding Claim 4,** Drinkwater teaches surface-roughening treatment is applied to the metal portion at the part embedded in the inside of the resin portion (*friction material; fig. 3, 40*).

**Regarding Claim 5,** Drinkwater teaches that the window is manufactured by insert molding. That is, the metal portion is not likely to be displaced or disengaged from the window portion (*paragraph [0037]*).

**Regarding Claim 7,** Kunii provides a male-shaped part and a female-shaped part are provided at coupling faces of the frame and the part of the metal portion exposed to the outside of the resin portion, and the male-shaped part and the female-shaped part are engaged so as to couple the metal portion and the frame (fig. 2a and fig. 3a).

**Regarding Claim 8, Kunii** provides a hook is provided at the part of the metal portion exposed to the outside of the resin portion, and the metal portion and the frame are coupled by latching with the hook (*col. 5, lines 50 – 67*).

**Regarding Claim 9, Kunii** discloses that the metal portion is disposed so as to surround at least a part of the ultrasonic device other than an ultrasound transmission/reception face of the

ultrasonic device (fig. 2a).

**Regarding Claim 10,** Drinkwater teaches that the resin portion is made of polymethyl pentene, or the like (paragraph [0044]).

**Regarding Claim 11,** Kunii discloses that the metal portion is made of stainless steel, or the like (col. 5, lines 55 – 58).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANI GUPTA whose telephone number is (571)270-5042. The examiner can normally be reached on Monday - Friday (8:30 am - 5:30 pm; EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-2083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. G./  
Examiner, Art Unit 3768

/Long V Le/  
Supervisory Patent Examiner, Art Unit 3768